

RECEIVED

MAR 30 2020

AT 8:30 _____ M
WILLIAM T. WALSH
CLERK

STEVEN BRADLEY MELL
REGISTER NO. 71587-050
L.S.C.I. ALLENWOOD
P.O. BOX 1000
WHITE DEER, PA 17887

MARCH 19, 2020

THE HONORABLE BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
50 WALNUT STREET
NEWARK, NEW JERSEY

Re: Steven Bradley Mell v. United States, Docket No. 20-CV-2277 (BRM)

Dear Judge Martinotti:

Petitioner, pro se, respectfully submits this letter-motion in lieu of a more formal motion, pursuant to Rules 6(a) and (b) of the Rules Governing Section 2255 Proceedings in the U.S. District Courts, for a copy of the transcripts of the June 6, 2019 teleconference in criminal case. For the reasons that follow, this application should be promptly granted.

Pending before the Court is a both a Section 2255 Motion (where Petitioner argues that he is in custody in violation of both the laws and Constitution of the United States), and a motion for recusal (under 28 U.S.C. 455(a)) and his release on bond. The Court has not issued a show cause order as to the Section 2255 Motion, nor taken any action on the motions for bond or recusal. One of the issues presented by the motions is the Court's participation in the plea negotiation process, resulting in the entry of a coerced guilty plea. Petitioner is entitled to an order vacating conviction and sentence on that basis, and there is a substantial likelihood of success on the merits.

Rules 6(a) and (b) provide an avenue for a Section 2255 movant to seek discovery. The United States Supreme Court stated that "good cause" exists under Rule 6(a) "where specific allegations before the court show reason to believe that the petitioner may, if facts are fully developed, be able to demonstrate that he is . . . entitled to relief. . . ." *Bracy v. Gramley*, 520 U.S. 899, 908-09 (1997). This standard limits discovery to cases where a defendant has made a preliminary showing that requested discovery will tend to support his entitlement to relief. See, *Deputy v. Taylor*, 19 F.3d 1485, 1493 (3d Cir. 1994). Here, Petitioner has made substantial preliminary showing that his guilty plea was coerced. Rule 6(b) provides that a petitioner "must specify any requested documents."

Against this backdrop of authority, and given the specific allegations of inappropriate judicial involvement in the plea negotiation process, the Court should promptly grant this request for the June 6, 2019, transcripts in the interest of justice.

WHEREFORE, Petitioner prays that the Court will grant this motion.

Respectfully submitted,

/s/ Steven Bradley Mell

STEVEN BRADLEY MELL

cc: U.S. Attorneys Office (D.N.J.)